

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CBT 001/2003 PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/007308	International filing date (day/month/year) 05.07.2004	Priority date (day/month/year) 10.07.2003
International Patent Classification (IPC) or national classification and IPC B03C1/28		
Applicant CHEMAGEN BIOPOLYMER-TECHNOLOGIE AG		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007308

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-19 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-27 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/7-7/7 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-27</u>	YES
	Claims	<u></u>	NO
Inventive step (IS)	Claims	<u>1-27</u>	YES
	Claims	<u></u>	NO
Industrial applicability (IA)	Claims	<u>1-27</u>	YES
	Claims	<u></u>	NO
2. Citations and explanations (Rule 70.7)			
1. This report refers to the following document:			
D1: DE 100 57 396 C (KARLSRUHE FORSCHZENT), 4 April 2002 (2002-04-04)			
2. Document D1, which is considered to be the closest prior art, discloses a device for separating magnetic or magnetisable particles from a liquid.			
The subject matter of independent claim 1 differs in that the movable magnets are at least partially surrounded by a material that screens out the magnetic field.			
2.1 The subject matter of claim 1 is therefore novel (PCT Article 33(2)). The problem addressed by the present invention can be seen as that of using the device for high-throughput processes.			
2.2 The solution proposed in claim 1 of the application involves an inventive step (PCT Article 33(3)) because it is not suggested by the prior art.			

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

2.3 Claims 2 to 23 are dependent on claim 1 and therefore also meet the PCT requirements in respect of novelty and inventive step.

3. Document D1, which is considered to be the closest prior art, discloses a method for separating a target substance from a mixture of substances in liquid form.

The subject matter of independent claim 24 differs in that the magnetic field is switched on and off by changing the position of a permanent magnet located in or on a magnetic circuit.

4.1 The subject matter of claim 24 is therefore novel (PCT Article 33(2)). The problem addressed by the present invention can be seen as that of using the method for high-throughput processes.

4.2 The solution proposed in claim 24 of the application involves an inventive step (PCT Article 33(3)) because it is not suggested by the prior art.

4.3 Claims 25 to 27 are dependent on claim 24 and therefore also meet the PCT requirements in respect of novelty and inventive step.

5. The application relates to a device and method for separating magnetic or magnetisable particles. Devices and methods of this type are clearly industrially applicable (PCT Article 33(4)).